

2012 MV Update

(RECAP OF MAY 2012 COUNTY TREASURER'S WORKSHOP)

As always, it was so nice to see all of you at your Workshop on May 10. It's always fun to spend time with you. For those of you who couldn't make it, you were missed! Following is a recap of what was discussed at the Workshop. If upon your review you should have any questions, let us know.

ELT and ET:

This summer or early fall, plans are to implement an Electronic Lien & Title (ELT) System. As a result, a title certificate will no longer be printed on any title that is issued that indicates a lien.

Lenders will have the option to utilize a third party provider that will provide a lender with electronic notices of title and lien when a record is issued in the state system. Upon release of a lien, a participating lender will release a lien electronically through its provider. Upon receipt of the electronic lien release, the title will be printed and mailed to the owner, unless directed otherwise by the lender.

Lenders that do not participate through a provider will not receive notification that advises them of a title issuance or lien perfection; however, access to search the state's title system to verify title and lien records will be available upon implementation of the ELT system.

Lenders will be sent information soon on the new system. In addition, training will be conducted with your offices, either through webinars or district meetings, prior to implementation of the ELT System.

Preliminary steps are also being taken (in a much longer process) for the possibility of an E-Title System in which no paper document will be issued on the vehicle, beginning at the manufacturer's level. States are working with National Highway Traffic Safety Administration (NHTSA) on issues relating to ET, such as, use of a power of attorney and methods of obtaining required disclosures and signatures in paperless situations.

Legislative Update:

Time was taken to review the 2012 Motor Vehicle Legislative Update that was forwarded earlier to each county. This legislation will take effective July 1, 2012.

Forms that will be revised as the result of 2012 legislation:

South Dakota Special License Plate Application (removal of all military plate information – National Guard, Purple Heart, Prison of War, Pearl Harbor Survivor, Disabled American Veteran and Gold Star).

New form: South Dakota Military License Plate Application (used to apply for any special military plates – those listed above that are being removed from the Special License Plate Application, plus Silver Star, Distinguished Service Cross, Navy Cross, Air Force Cross, Distinguished Flying Cross, Bronze Star with Valor Service and Bronze Star).

South Dakota Application for Veteran License Plates and Affidavit (updated to South Dakota Application for Veteran and Active Duty Military Member, as well as change to the body of the application form and the affidavit to include the changes.)

Fact Sheet for Military Veteran Plates (updated to include Military Veteran, Military Medal Recipient, and Veteran and Active Duty Military Member License Plates).

Dealer Requirements Brochure (include Final Stage Manufacturer Dealer License category).

South Dakota Dealer License Application (add Final Stage Manufacturer Dealer license category).

South Dakota Personalized License Plate Application (update to indicate that the plate must contain at least one (changed from two) letter or number).

(Not due to a legislative change) Notice of Abandoned Motor Vehicle (adding the following information to the upper portion of the form: Note: Criteria that must be met to qualify for an abandoned motor vehicle title: 1) vehicle must have been left without permission; 2) vehicle must have been towed by a removal agency; 3) written notice by certified mail must be sent to the owner and lienholder, if applicable, within 45 days of removal of the vehicle.)

The DMV website will be updated with the new forms and information changes as needed. These updates should be done by mid-to-late June.

The Title and Registration Procedures Manual and Dealer Manual will be updated and available by mid-to-late June.

Miscellaneous:

Disabled Person Parking Permit System --

On Monday, May 14, our Disabled Person Portable Parking Permit SDcars On-Line System was implemented.



SOUTH DAKOTA
DEPARTMENT OF TRANSPORTATION

SDDL, SDID, or SSN is required in order to update the portable parking permit information on the customer record. This includes those issued for children. The hanging disabled person parking permits are only for South Dakota residents.

If an applicant is not a South Dakota resident, issue the 30 day cardboard temporary permit. The information for the cardboard 30 day temporary permit is not entered into SDCars.



With the conversion and import of the records from the RV09 system, permits were incorporated in existing customer records when a match was found with the name, date of birth and driver license. A new customer record was created when the information in RV09 that did not match up with a customer in SDCars. We have already identified a number of records that were incorrect in RV09, where a new record was created but the customer exists correctly in SDCars.

Please do not add the permits to the correct customer, as we can merge the RV09 customer with an existing customer in SDCars if you provide us with the information. We did not import the permit information if the holder was deceased or if only expired temporary permits were in the file.

Registration Credit --

The system has been updated to correctly calculate registration credit from current date for plates moved from the sold or traded vehicle to the newly acquired vehicle.

Boat and Snowmobile Licenses --

If a current boat license does not start with an "M" or an "N," a new license should be issued. Do not issue a new license if the license number starts with an "M" or an "N," as these are a five-year license and should be issued an annual decal.

A snowmobile that has a license S21001 or higher is a 5-year license and should be issued a decal, not a new license.

Dealer System --

In March, dealer license renewal notices were discontinued. When a dealership is within 3 months of the expiration date of the license, a notice with a button

appears on their main menu page that allows them to print their own notice. Our future plans for the dealer system is to allow them to renew their license (meaning they would update their information and pay their fees) on-line.

Older vehicles --

Transferring ownership on a vehicle that is over 11 years old and a record exists:

State statute requires the seller of a vehicle to supply the purchaser with a title. Under extenuating circumstances, Administrative Rule 64:28:09:03:01, allows a purchaser (if they did not receive a title but have a bill of sale) to send a certified letter to the record owner (title owner), which must be the same person that sold the vehicle. If the record owner does not respond or cannot be located, the purchaser can submit the bill of sale, copy of the certified letter, an affidavit of facts surrounding the acquisition of the vehicle, a statement whereas the applicant agrees to indemnify the state against any and all liabilities and claims that may arise as a result of title issuance and an application for title. If the seller of the vehicle is not the record owner on file, the purchaser cannot make application for title and has to go back to the seller for a title.

Transferring ownership on a vehicle that is over 11 years old and no record exists:

SDCL 32-3-64 allows for a purchaser, with a valid bill of sale properly signed by the person who has the right to convey ownership, to make application for title by completing an affidavit surrounding the applicant's acquisition of the vehicle and which indemnifies the state against any and all liabilities and claims and submit it, along with the bill of sale and application.

Abandoned Vehicles --

A vehicle has to be towed in order for someone to make application for an "abandoned" vehicle title. Towed is the key word here. And if the vehicle was towed, the next thing to look at is if it was towed from public or private property. If towed from public property, a copy of the tow ticket is not required, but we will take it if presented. If towed from private property, a copy of the written consent of the land owner is required. Also make sure the abandon notice is completed in its entirety and that it has been sent to the correct individual(s) within the required timeframe.

As an example: A vehicle was left (out in the county on gravel road) in someone's driveway (approach) and was partially blocking the driveway. The homeowner pushed the vehicle off to the shoulder and is now trying to make application for abandoned title. Our position is that the homeowner should

have contacted law enforcement and/or requested the vehicle be removed/towed. An abandoned title does not apply in this situation.

Unpaid Repair Bill --

The unpaid repair bill is just that. Someone would have had to have left a vehicle at a repair facility and never returned to pick it up and did not pay the bill. Like the abandoned title application, there is a notice that must be sent to the last titled owner and any lienholder and insurance company, if applicable. Once the title is issued to the repair facility, it must then be sold at a public auction to recoup the repair cost. If sold for more than the repair cost, the remainder of the monies must be given to the previous owner.

Mechanics Lien --

The mechanics lien process is totally different from the abandoned vehicle and unpaid repair bill process, in that a title is not issued until all notices are published and mailed and the lien has been filed with the Register of Deeds. Once the vehicle is sold at public auction, the purchaser makes application for title. If the vehicle does not sell at the action, the person who filed the lien makes application for title.

Drivers Privacy and Protection Act (DPPA) --

In order for anyone (except law enforcement and dealers and lenders that have a DPPA on file) to get information from the SDCARS system, a DPPA (Drivers Privacy & Protection Act) form must be completed. An applicant must qualify and indicate the reason on the form in order to obtain information. If the applicant does not qualify, no information should be given by your office. If they qualify and you supply applicant with a computer printout, please indicate "DONE" on the top of the form when sending it in with your invoice. If an applicant has a bill of sale showing that they purchased the vehicle, a copy of the bill of sale must be submitted with the DPPA form.

DPPA requests for a title history should be sent in with either a copy of the receipt or the visit number written on the form. Please advise applicants that owner information is not part of the history they receive. It depends on what they are requesting the history for.

Also, we cannot remove records from people's inventory that they no longer own. They can send in a letter for microfilming purposes, but the vehicle will not be removed from the customer's vehicle grid until a transaction is done on the title.

License Plates --

In late March, motorcycle Gold Star and motorcycle veteran, along with Flandreau tribal plates, became available.

Queue Management --

Please clean up your queue management throughout the month, instead of having the DMV take care of this at the beginning of the month. When the deferred queue fills up, we are unable to access some visits until earlier visits are deleted. We encourage you to only use the queue management when needed. By keeping fewer visits in the queue management, we will be able to access visits faster, and, in turn, provide better service to you and ultimately your customers.

License Plate Refunds --

When a customer purchases a license plate and then decides he/she does not want the unused plate, it is the your decision as to a refund of the license plate fees, when done within a reasonable amount of time.

If you decide to refund the fees, please fax our office an affidavit stating you have the plates/decals back in your office and a copy of the registration. Please fax to the attention of Mary or Bonnie. A refund will then be authorized. The original affidavit and registration should be sent in the days work the refund is paid.

SST and Internet Renewal --

On the SST and Internet renewals, we've added a statement at the beginning of the process that there will not be a refund when registering a vehicle in error.

Out-Of-State Driver License --

SDCL 32-5-3 requires that an applicant have a SD driver license or a Social Security number. In the last year, we have reviewed over 14,000 applications that did not have SD driver's licenses. In addition, we have written over 2,600 letters requesting more documentation. So far this year, we have reviewed over 5,300 applications and written over 1,000 letters. Please assist us in reducing this correspondence.

Also, if you cannot read a copy of the driver license or the application for title, it cannot be accepted. On a few of these applications, individuals have submitted false documentation to be able to obtain license plates.

If you think the information you are receiving is not correct, please contact our office (Karen England) to verify that the SSN number they are providing actually belongs to them. Also, these individuals probably do not have a valid driver's license.

We also require individuals, who do not have a SD driver license, who are using a SD PMB address, to complete the Affidavit Claiming Lack of Residence Post Office Address form. If the owners of the motor vehicle use their out-of-state address as their physical address and it is on SDCars, then they do not need to complete the form, this address needs to be on the application for title that we receive in our office to document the out-of-state physical address. A letter may be written requesting the affidavit, as the only address on the title issuance screen is the mailing address.

Disabled Person Parking Permits --

Individuals who are not SD residents cannot obtain a disabled person parking permit. Please give these applicants a 30 day cardboard permit, until they can obtain a permit from their home state.

Nonresident Registration --

Our office participated in a conference call with a large group of states. When they discovered that we will title and register vehicles without the applicant(s) living in SD, some of the states have requested our motor vehicle records regarding their residents obtaining title and license plates in our state. We are providing this information when requested.

Special Plates --

For the last year, our office has been recalling special plates issued to individuals who are not residents of South Dakota. To qualify for these plates, applicants must have either a SD driver license or live in SD (SD address, not a PMB).

Special plates that are not restricted on how many may be purchased are: National Guard, amateur radio, disabled person, historical, personalized, fire fighter, tribal, and organizational.

To receive Veteran, active duty military, silver and bronze star plates requires that the applicant have a valid South Dakota driver license.

The applications for the military plates has a statement stating a SD driver license is required. We have received applications that have been signed and the applicant does not have a valid SD driver license. Please make sure your applicants for the military plates have a valid SD driver license and that the application has been notarized.

Special plates that are restricted to only two sets of plates are: disabled veteran, prisoner of war, pearl harbor survivor, purple heart, congressional medal of honor, and gold star.

At time of renewal of the special plates that an owner has to qualify for, please attempt to verify that the owner of the plate is not deceased. We are seeing a lot of these being renewed and the owner is deceased. If possible or any doubts, please try to verify. You may contact our office and we can check the person driver's record. In the event the owner died in South Dakota, the record will indicate deceased.

If you are moving a special plate in which an applicant had to qualify for, make sure the person it is moving to, is the owner of the special plate.

When an applicant wants to apply for special plates that are limited, please check the customer record to make sure there are not already two sets of plates issued.

Make sure all the applications are completed in their entirety and make a note if plates have been returned, if the applicant already had SD plates.

Use the PLP availability when checking on personalized plates, which is on the VIEW menu. Punctuation and symbols cannot be used on personalized plate requests.

On fire fighter plates, we need to know which department the applicant belongs to. There is an area on the form for this information.

Please do not staple the special plate applications to the title work. These applications should be marked to the attention of Annette.

If an applicant is applying for an Interstate title, they do not qualify for any special plates.

On new applications for historical and exempt plates, these applications must be receipted in through the miscellaneous fee receipt process. Please do not do a registration for these vehicles. If a person needs a plate for a parade for a historical vehicle in the interim of receipt special plates, please sell a 5 to 15 day permit.

If your city, county, school (any exempt organization) needs a new registration, please ask them to contact our office.

Collections --

When paying a collection and the status goes to in-process, please contact our office. We need to change the status of the collection to completed. In-process will not clear on its own.

Rebuilds --

Please make sure an application for title is completed on a rebuilt application. The only information that needs to be completed is name, address, and signature.

Unclaimed Title --

Please make sure the address for all owners is correct, especially the first owner. From January through April of this year, we have had 641 unclaimed titles.

MV Excise Tax --

Please check that you are not giving reciprocity to an individual or company that brings in a title from one of the following states: Alabama, Alaska, Montana, New Hampshire, Oregon, and South Carolina, as these states do not assess a like or similar tax to our excise tax, so reciprocity cannot be granted.

A tip, make a cheat sheet and leave it by your computer to help you recall these states. We have had a lot of people who are very upset that the county did not collect the tax, and believe, that since the county did not collect it, it should be waived.

Manufactured Homes --

On manufactured homes that are to be converted to real estate, please make sure that your customer completes the Affidavit for Declaration for a Manufactured Home Placed on Real Estate (MV - 004) form. On the system, please be sure to indicate "real estate" in the secondary body style.

Title and Registration Applications –

Please be sure that the application that the customer is signing is the one with all the completed and accurate information.